

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

v.

SEBASTIEN FLOCARI

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No. 3:06-CR-32
(Phillips)

ORDER AMENDING JUDGMENT

On July 19, 2006, the defendant was sentenced to 70 months of imprisonment followed by four years of supervised release for violation of 21 U.S.C. §§ 846 and 841(a)(1) and 8 U.S.C. § 1325(a). The court recommended that the defendant serve his sentence in Canada. As a condition of supervised release, the court ordered the term of supervised release tolled for the period that defendant remained outside the United States for a period not to exceed ten years.

Pursuant to the Sixth Circuit's recent decision in *United States v. Ossa-Gallegos*, 491 F.3d 537 (6th Cir. 2007) holding that tolling is not a contingency of supervised release under 18 U.S.C. § 3583(d) and that district courts may not toll the period of supervised release while a defendant is absent from the United States, the court hereby **AMENDS** the judgment in this case to **RESCIND** the tolling provision as a special condition of supervised release. All other provisions of the judgment shall remain as previously ordered by the court.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge